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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,771	04/04/2001	Karl J. Urquhart	016499-706	1436

7590

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EXAMINER

CINTINS, IVARS C

ART UNIT	PAPER NUMBER
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1724

9

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/824,771

Applicant(s)  
Urquhart et al.

Examiner  
Ivars Cintins

Art Unit  
1724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 27, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above, claim(s) 15-18 and 34-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 19-33, 46, and 47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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Applicant's election with traverse of Group I, claims 1-14, 19-33, 46 and 47 in Paper No. 8 is acknowledged. The traversal is on the grounds that Group III is not independent and distinct from Group I. This is not found persuasive because the cartridge and apparatus of Group I does not require the detachable fitting of Group III; and the detachable fitting of Group III does not require the packed section of purification material of Group I.

The requirement is still deemed proper and is therefore made FINAL. Claims 15-18 and 34-45 are withdrawn from further consideration, as being directed to non-elected inventions.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 and 31 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The trademarks recited in claims 10 and 31 are indefinite because the formula or characteristics of a product may change from time to time, and yet it may continue to be sold under the same trademark. See M.P.E.P. § 608.01(v).

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-14, 19, 23-33, 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haslett (U.S. Patent No. 1,774,004). Haslett discloses an apparatus for purifying a liquid, which apparatus includes a plurality of serially connected cartridges containing liquid purification material, retaining screens, and threaded connectors (see Figs. 1-3; page 1, lines 39-44, 48-52 and 66; and page 2, lines 1-2 and 12). Accordingly, this reference discloses the claimed invention with the exception of the length, diameter and length to diameter ratio of the cartridge, and the material from which this cartridge is constructed (claims 10 and 31). However, the exact length, diameter and length to diameter ratio of the cartridges in the reference system, as well as the material from which these cartridges are constructed, are not seen to materially affect the operation of this reference system, or to produce any new and unexpected results; and are therefore deemed to be obvious

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matters of choice, which are insufficient to patentably distinguish the claims. Also, Applicant should note that the intended use of a device (i.e. for purifying hydrogen peroxide) is not a structural limitation, and hence cannot be relied upon to patentably distinguish apparatus claims 2, 3, 23, 24, 46 and 47. It is well settled that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Claims 1-14, 19, 20, 23-33, 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crofts et al. (U.S. Patent No. 5,215,665). Crofts et al. discloses purifying hydrogen peroxide with an ion exchange cartridge (see col. 4, lines 62-64). This reference further teaches (col. 1, line 34) that the purification could occur in a semiconductor facility. Accordingly, this reference discloses the claimed invention with the exception of the length, diameter and length to diameter ratio of the cartridge, the material from which this cartridge is constructed (claims 10 and 31), and the use of a plurality of cartridges (claim 19). However, the exact length, diameter and length to diameter ratio of the cartridge in the reference

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system, as well as the material from which this cartridge is constructed, are not seen to materially affect the operation of this reference system, or to produce any new and unexpected results; and are therefore deemed to be obvious matters of choice, which are insufficient to patentably distinguish the claims. Also, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a plurality of cartridges in the reference system, in order to increase its treatment capacity.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crofts et al. as applied above, and further in view of Casolo (U.S. Patent No. 3,985,648). The modified primary reference discloses the claimed invention with the exception of the recited arrangement of cartridges. Casolo discloses a liquid purification system comprising a plurality of groups of cartridges (see col. 3, line 8; and col. 4, line 49) connected in parallel, wherein each group comprises cartridges connected in series (see Fig. 2). This reference further discloses the specific purification materials recited in claim 22. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of the modified primary reference with the additional purification cartridges of the secondary reference, in order to

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obtain additional purification capability for the liquid undergoing treatment in this modified primary reference system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

The fax phone numbers for this art unit are: (703) 872-9311 for "Official" faxes after Final Rejection; (703) 872-9310 for all other "Official" faxes; and (703) 872-9492 for "Draft" and other "Unofficial" faxes.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

I. Cintins  
April 6, 2003

*Ivars Cintins*  
**Ivars C. Cintins**  
**Primary Examiner**  
**Art Unit 1724**